

BOARD OF ADJUSTMENT REPORT



MEETING DATE: 3/3/2004

ITEM No. _____

ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT

**Conley Residence
2-BA-2004**

REQUEST

Request to approve a variance from Article V. Section 5.034.E regarding front yard setbacks for a 2.5+/- acre parcel located at 7008 E Ranch Road, with Single Family Residential, Environmentally Sensitive Lands, Foothills Overlay zoning (R1-70 ESL FO).

**OWNER / APPLICANT
CONTACT**

Edward & Nadine Conley
623-582-8333

LOCATION

7008 E Ranch Rd

**CODE ENFORCEMENT
ACTIVITY**

None

PUBLIC COMMENT

Staff has received a call from the neighbor to the south and southwest. Both calls were requests for additional information.

ZONE

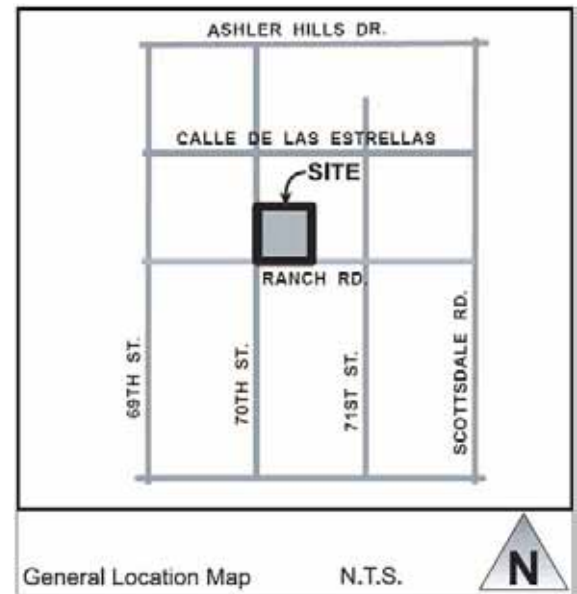
R1-70 ESL FO (Single-Family Residential District, Environmentally Sensitive Lands, Foothills Zoning Overlay)

**ZONING/DEVELOPMENT
CONTEXT**

This subject lot is a 2.5-acre (gross land area) parcel located in an un-subdivided area of Scottsdale at the northeast corner of 70th Street and Ranch Road. The parcel is located west of Scottsdale Road, north of Lone Mountain Road and south of Ashler Hills Drive; it was annexed from Maricopa County in October of 1983 and rezoned to R1-70 in March of 1985. The homes to the west and north were built in 1999 and the home to the south was built in 1994. The parcel to the east is still vacant.

**ORDINANCE
REQUIREMENTS**

Article V, Section 5.034.E.c, requires that on a corner lot, the required front yard of sixty (60) feet shall be provided on each street. (Ranch Road & 70th Street)



DISCUSSION

The applicant is requesting a variance to allow a front yard setback of 40-feet in lieu of the required 60-feet along 70th Street and a front yard setback of 35-feet in lieu of the required 60-feet along Ranch Road to construct 3,136 square foot single family, one story home. The setback is being requested due to a major wash that bisects the lot from the southeast to the northwest. The wash varies in width from 40 to 70 feet. Whether or not a variance is granted, the applicant will be required to construct a minimum 6 foot tall floodwall at the south bank of the wash to protect the home from flood waters.

FINDINGS

- 1. That there are special circumstances applying to the property referred to in the application, which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

The applicant states the existing 40-foot wide wash divides the property and the required 60 foot setbacks would leave very limited developable land.

The existing major wash, averaging between forty (40) feet and seventy (70) feet wide, which bisects the property from southeast to northwest appears to create a special circumstance on this property. Staff requires that washes be left in their natural state per the guidelines of the Environmentally Sensitive Lands Ordinance.

The existing wash has a flow rate of approximately 2,100 cubic feet per second (cfs) at an approximate average depth of four to five feet. Section 37-42(n)(1) of the Scottsdale City Code states that existing watercourses with a capacity of fifty (50) cubic feet per second or greater, disregarding any estimated peak discharge values shall be maintained in their natural state. In the past, the City has worked with applicants who requested minor adjustments to watercourses, however, this proposal would create major on-site and off-site impacts.

- 2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:**

The applicant states that the authorizing of the variance is necessary to construct a home that is similar in size to other homes within the same zoning classification.

Staff has researched surrounding home sizes on similar lot sizes and found that the property to the west is 3,665 square feet, the property to the north is 3,045 square feet, the property to the northeast is 4,814 square feet, and the property to the south is 1,826 square feet.

Filling in a portion of this wash to construct a building pad was not feasible option engineering wise. The applicant is left with two options, apply for a setback variance or construct a smaller home.

It is possible for the applicant to obtain the sought after square footage and remain within R1-70 development standards by constructing a two-story home, as long as it does not exceed 24-feet in height. Staff does acknowledge that constructing a two-story home would not be in character with the surrounding existing residences.

3. That special circumstances were not created by the owner or applicant:

The wash is a natural occurring geographic feature on the site. No improvements are to be constructed in the wash per the City. The lot configuration was created in Maricopa County prior to annexation into the City of Scottsdale and the land geography didn't appear to be taken into account.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The authorizing of the application should not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general. By not altering the wash in any way is actually protecting surrounding properties from changes in flow patterns and velocity.

One possible perceived impact on the surrounding properties could be this home will be located closer to the public right-of-way (Ranch Rd. and 70th St.) than existing homes in the area.

STAFF CONTACT

Keith Niederer, Planner
Report Author
Phone: 480-312-4211
E-mail: KNiederer@ScottsdaleAZ.gov

ATTACHMENTS

1. Project Narrative
2. Background Information
3. Justification
4. Aerial Map
5. Close-up Aerial
6. Zoning Map
7. Photographs
8. Original Site Plan
9. Proposed Site Plan
10. Floor Plan
11. Elevations



City of Scottsdale PROJECT NARRATIVE



- ☐ Rezoning ☐ Other
☐ Use Permit
☐ Development Review
☐ Master Sign Programs
☒ Variance

Case # 2-BA-2004 / 60-PA-2004
Project Name Conley Residence
Location 7008 E. Ranch Road
Applicant Ed & Nadine Conley

SITE DETAILS

Proposed/Existing Zoning: _____

Use: _____

Parcel Size: 2 1/2 acres

☐ Gross Floor Area ☒ Total Units: 1

☐ Floor Area Ratio ☐ Density: _____

Parking Required: _____

Parking Provided: _____

Of Buildings: 1

Height: 1 story

Setbacks: N- 60 feet S- 35 feet

E- 60 feet W- 40 feet

In the following space, please describe the project or the request

A single family home is being proposed at 7008 E. Ranch Road on 2 1/2 acres. A variance for the front (~~front~~ ^{South}) is being requested, from 60 feet to 35 feet. Also from the west side, from 60 feet to 40 feet. Those setbacks would place the Northeast corner of the home out of the wash, with approximately 10 feet between the building and floodwall. There for leaving wash in its "Natural state". Without this variance this is an undeveloped piece of Land.

Background Information
For Board of Adjustment



DATE March 3, 2004
APPROVED AS PRESENTED _____
APPROVED W/STIP _____
DENIED _____

CASE # 2-BA-2004
PROJECT # 60-PA-2004
CONTINUED TO _____
HEARING DATE _____
CHAIRMAN _____

APPLICANT TO FILL OUT THIS PORTION

VARIANCE REQUESTED AT (STREET ADDRESS WHERE VARIANCE IS REQUESTED)

7008 E. Ranch Rd. (NEC of Ranch Rd & 70th St.)

TO BE COMPLETED BY YOUR COORDINATOR

ARTICLE AND SECTIONS OF ZONING ORDINANCE TO BE VARIED _____

Article V Section 5.034.E.1.c

SCOTTSDALE ZONING REQUIRES on a corner lot, the required front yard of
sixty (60) feet shall be provided on each street.

APPLICANT'S REQUEST is to provide a front yard setback of 35 feet along
Ranch Road and 40 feet along 70th Street.

AMOUNT OF VARIANCE Twenty (20) feet along 70th Street and twenty five (25)
feet along Ranch Road.

PROCEDURES OF THE BOARD OF ADJUSTMENT

There will be three notices of hearing: One on the property, two within 300 feet, and a notice will be published in the daily newspaper, at least 15 days before the hearing, and a notice will be mailed to adjacent property owners, within 300', at least 15 days before the hearing.

The Chairman shall determine what parties are available to represent the applicant, and they shall present the case. The staff will be heard, then those in favor or in opposition. After arguments have been heard, the party representing the owner will have an opportunity for rebuttal after which the Chairman may declare the questioning and argument closed. A vote will then be taken on the matter of approval or denial.

No variance shall be granted resulting in any changes in the uses permitted in any zoning classification or which constitute special privilege.

The application and all maps, plans and other accompanying dates and material shall be available for public inspection during office hours at the office of the building official.

A notice of hearing will be mailed to the applicant 6 days before the hearing.

For information regarding applications please call: 994-7080.



Justification For
Requested Variance



CASE # 2-BA-2004

PROJECT # 60-PA-2004

APPLICANT TO FILL OUT THIS PORTION

Address Where Variance is Requested

7008 E. Ranch Road
Scottsdale, AZ

JUSTIFICATION

Must Be Completed Fully By Applicant (All Four Justifications Must Be Satisfied)

1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address.

There is an existing wash that divides the Property and Runs East to West. The wash is approximately 40'ft wide. But narrows on property to the ~~west~~, so with the setback at 60 feet it will leave very limited developable land.

2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district.

We have tried designing three different single story homes, to set on the property with the setback at 60'feet on the south and 60'feet on the westside, with the last one only 3150 sq ft. The corner will still set in the wash by nearly 10'feet. So I am asking for 35'feet setback on ~~west~~ ^{South} side and 40'feet on westside. Other homes in area are at least 4000 sq ft.

3. That special circumstances were not created by the owner or applicant.

Per City of Scottsdale code and Army Corps Restrictions, The existing wash is to remain. There are no proposed improvements to the wash. A floodwall, behind the house at the edge of the wash will be proposed to provide protection to the New home.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

The proposed development will not provide ~~additional~~ hazard for the construction of my home, by placing the setbacks at 35'feet to the south and 40'feet to the west. Since properties in area are on 2 1/2 acre parcels. Also it will take the northeast corner of the house out of the wash and allow 10'feet of wash.



Conley Residence

2-BA-2004

ATTACHMENT #4



Q.S.
55-44

G.I.S. ORTHOPHOTO 2002

Conley Residence

2-BA-2004

ATTACHMENT #5



2-BA-2004
ATTACHMENT #6





On subject site looking northeast



On subject site looking west/northwest



On subject site wash looking west/northwest



On subject site wash looking north



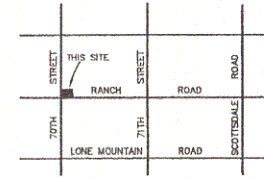
On subject site looking southwest



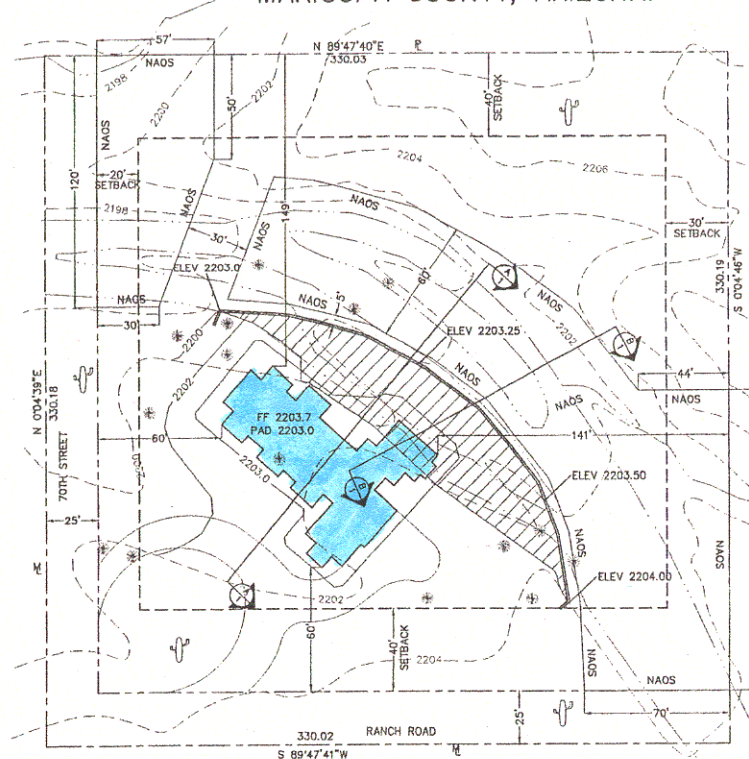
On subject site looking south

CIVIL SITE PLAN GRADING & DRAINAGE

LOT ON 7008 RANCH ROAD
SCOTTSDALE, ARIZONA
MARICOPA COUNTY, ARIZONA.



VICINITY MAP
SE QUARTER, SEC 15, T14N, R4E



LEGEND

SYMBOL	DESCRIPTION
---	PROPERTY LINE
---	ADJACENT PROPERTY LINE
---	MONUMENT/CENTER LINE
---	RIGHT-OF-WAY LINE
---	EASEMENT LINE
---	CONTOUR 2' INTERVAL
---	EXISTING TREE
---	EXISTING SPOT ELEVATIONS
---	PROPOSED CURB
---	PROPOSED GRADE CONTOURS
---	PROPOSED GRADE ELEVATIONS
---	TOP OF WALL
---	FINISHED GRADE
---	UNDISTURBED NAOS

OWNER/DEVELOPER

EDWARD CONLEY
7008 E. RANCH ROAD
SCOTTSDALE, ARIZONA
PHONE: (602) 430-0888

ARCHITECT

BACA DESIGN & DEVELOPMENT, INC.
2930 E. NORTHERN AVE., BLDG. A
PHOENIX, ARIZONA 85028
14 (602) 494-8583
Fax (602) 788-0855

ENGINEER

SAF ENGINEERING LLC
3827 East Indian School Road, Suite 207
Phoenix, Arizona 85018
(602) 954-2181
(602) 954-9288 FAX
CONTACT: Reed Seltz, P.E.

LEGAL DESCRIPTION

SW QUARTER, SW QUARTER, NE QUARTER, SE
QUARTER OF SECTION 15, TOWNSHIP 04N, RANGE 4E
GASPARA, MARICOPA COUNTY, ARIZONA

BENCHMARK

FOUND CITY OF SCOTTSDALE BRASS CAP IN HAND HOLE
NORTHWEST CORNER OF SECTION 22, CITY OF SCOTTSDALE
LONE MOUNTAIN & SCOTTSDALE RD BENCHMARK ELEVATION
= "2219.934 NAVD83"

ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE (ESLO) BUILDING AND SITE DEVELOPMENT NOTES

1. LAND DESIGNATED AS NATURAL AREA OPEN SPACE (NAOS) SHALL BE PERMANENTLY MAINTAINED AS OPEN SPACE. THE ENTIRE NAOS AREA WILL BE PERMANENTLY MAINTAINED AS NATURAL OPEN SPACE THROUGH EASEMENTS, DONATION, OR DEDICATION TO THE CITY OR OTHER ENTITY. NAOS SHALL BE MAINTAINED BY THE PROPERTY OWNER.

2. N/A
3. N/A
4. N/A
5. N/A
6. N/A

7. DEVELOPMENT DESIGN AND CONSTRUCTION TECHNIQUES SHOULD BLEND SCALE, FORM AND VISUAL CHARACTER WITH THE NATURAL LANDFORM AND MINIMIZE EXPOSED SCARS.

8. ANY PROPOSED MODIFICATIONS TO NATURAL WATERCOURSES AND ALL WALLS AND FENCES CROSSING NATURAL WATERCOURSES SHALL BE DESIGNED IN ACCORDANCE WITH THE STANDARDS AND POLICES SPECIFIED IN CHAPTER 37 (DRAINAGE AND FLOODPLAIN ORDINANCE) OF THE CITY OF SCOTTSDALE REVISED CODE.

NAOS

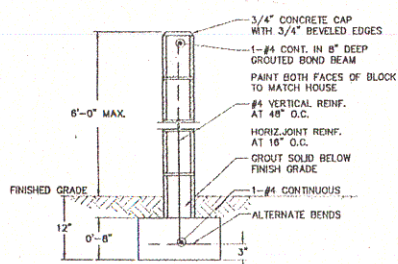
LAND AREA: 108,969.3 SF
SLOPE: 0-2%
NAOS REQUIRED: 108,969.3 x 25% = 27,242.3 SF
NAOS PROVIDED: 28,152 SF

FLOOD INSURANCE RATE MAP (FIRM)

DATE	PANEL #	DATE	DATE OF FIRM	DATE OF FIRM	DATE OF FIRM	DATE OF FIRM	DATE OF FIRM
12/12/12	1	12/12/12	12/12/12	12/12/12	12/12/12	12/12/12	12/12/12
12/12/12	1	12/12/12	12/12/12	12/12/12	12/12/12	12/12/12	12/12/12

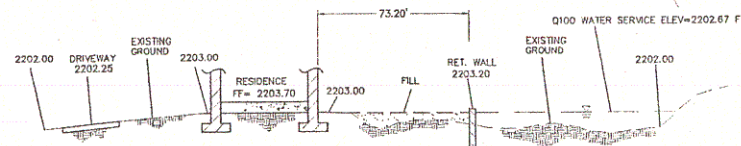
SITE DATA

LOT AREA 108,969.3 SQ. FT.
ZONED R1-43
O.S. NO. 55-44
A.P. NO. 216-50-122
BUILDING SETBACKS
FRONT 40 FT
SIDE 30 FT
REAR 40 FT



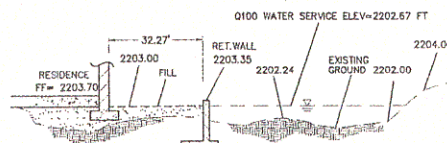
6" MASONRY SCREEN WALL

PROVIDE CONTROL JOINTS AT
20'-0" O.C. MAXIMUM-EXTEND BOND
BOND REINFORCING THRU JOINT



SECTION A-A

SCALE: HORIZONTAL 1"=20'
VERTICAL 1"=4'



SECTION B-B

SCALE: HORIZONTAL 1"=20'
VERTICAL 1"=4'

